

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DOUGLAS EDWARD MILLER,
Plaintiff,

Civil Action No. 7:17-cv-00125

v.

OPINION

MARTY STALLARD, et al,
Defendant(s).

By: James P. Jones
United States District Judge

Douglas Edward Miller, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By earlier Opinion and Order filed May 31, 2017, I dismissed this action based on Miller's failure to comply with a court order by not returning the consent to fee form. That Opinion and Order will now be **VACATED**. However, I will hereby dismiss the case for a different reason: Miller's failure to provide a current mailing address.

By Order on March 31, 2017, the court advised Miller that his failure to update his mailing address after a transfer or release from incarceration would result in dismissal of this action. The court's recent mailings (ECF Nos. 11 and 13) to Miller have been returned as undeliverable, and plaintiff has not contacted the court since May 2, 2017. Because Miller has failed to comply with the court's Order requiring him to maintain an accurate mailing address, I find that he has failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b). Accordingly, I will dismiss the action without prejudice. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

ENTER: June 5, 2017

/s/James P. Jones
United States District Judge